

DELTA PROTECTION COMMISSION

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June 9, 1995

DRAFT MINUTES**DELTA PROTECTION COMMISSION MEETING**

6:30 p.m. on MAY 25, 1995

Jean Harvie Community Center
14273 River Road, Walnut Grove

1. Call to Order/Roll Call

The meeting was called to order at 6:30 p.m. by acting Chair Mike McGowan. Commissioners present were: Broddrick; Calone; Curry; Ferreira; Freeman; Hill; McGowan; Mello; Nottoli (arrived at 7:20 p.m.); Potter; Salmon; Simas; Torlakson; and Yates. Absent were: Fargo; McCarty; Murphy; Sekelsky; and Thomson.

2. Public Comments

Douglas Wheeler, Secretary for Resources, congratulated the Commission on its hard work and the adoption of the Land Use and Resource Management Plan for the Primary Zone of the Delta.

Leslie Lew, Corps of Engineers, is project manager for the Prospect Island Fish and Wildlife Habitat study which will save hundreds of thousands of dollars a year in levee maintenance costs. She asked to be allowed to return with a full briefing and asked for the Commission's support of the project. It was moved by Commissioner Potter and seconded by Commissioner Torlakson to agendize the matter. Commissioner Potter suggested the Levee Subcommittee review a letter of support.

3. Adoption of Minutes of April 22, 1995

On a motion by Commissioner Torlakson and a second by Commissioner Potter, the minutes were unanimously approved as submitted; those who were absent at the last meeting abstained.

4. Chairman's Report

Acting Chair Mike McGowan announced the next meeting is Thursday June 22, 1995. Upcoming events include the Crawdad Festival on Father's Day weekend and the Pear Fair in July.

5. Attorney General's Report

Rick Frank was called out of town; there was no Attorney General's report.

6. Executive Director's Report

Ms Aramburu reviewed meetings she had attended; report that the Commission's proposed budget had been approved by two Senate Subcommittees; reported the Plan should be printed within the next three weeks; reminded Commissioners to submit expense claims; reported the RWQCB is considering new requirements for biosolids disposal; the State Water Board adopted a new Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and is starting a new 3 year process on Inland Surfaces Waters Plan and Enclosed Bays and Estuaries Plan; she reported on a new grant program that will provide incentive funds for winter flooding of ag lands; noted a reprint about recreation in the Delta; updated the Commission on SB 900 (approved by Ag and Water) and AB 122/ACA 12 (in suspense file).

7. Pending Permits Memo. Staff will present a revised pending permits memo.

There were no questions or comments.

8. Briefing on Vessel Pump-Outs. Consultant to the Department of Boating and Waterways will brief the Commission on their program to educate boaters about pump-outs and their program to issue grants to fund installation of new pump-outs in the Bay and the Delta.

Joan Patton of the San Francisco Estuary Project, consultant to the Department of Boating and Waterways, briefed the Commission on the boater education and pump-out grant program. She emphasized the importance of educating boaters partly due to the difficulty in enforcing environmental laws. She stressed the popularity of the region for boating in the up to 1,000 miles of waterways. She distributed the new information hand-outs and maps showing the location of existing pump-outs. She said extra copies could be obtained at no cost.

Commissioner Calone asked if there will be oversight of the grant program; Commissioner Curry said yes by Department of Boating and Waterways.

Commissioner Hill asked if there were limits to fees charged to use the new pump-outs; Ms Patton said yes, they must be available to the general public and no more than \$5.00 per pump-out.

Commissioner Curry congratulated SFEP on their great work on this project.

Commissioner Broddrick noted that the funding is from the Federal Sport Fish Restoration Act fund.

9. Proposed Agreement for Recreational User Study. The Commission will hold a public hearing, consider, and possibly vote to accept and authorize the Chair to sign the proposed agreement with Department of Parks and Recreation to prepare a recreation use study for the Delta. The Commission would authorize expenditure of \$50,000 from the FY 94-95 budget for the study.

Ms Aramburu reviewed activities since last consideration of this matter, including creation of a new oversight Subcommittee. She outlined the directions of the Subcommittee as outlined in the staff report and said those items would be included in the agreement with Parks and Recreation. She said the budget remains the same, but the due date has been moved up. She added that a memo had been received that afternoon from Boating and Waterways outlining some specific goals for the economic portion of the study which would lend credibility to the study. She asked that staff be directed to prepare an agreement with Parks and Recreation, with review by the Chairman, to ensure the monies are committed before the end of the fiscal year.

Commissioner Nottoli had not further comments and moved approval of the staff recommendation; seconded by Commissioner Curry.

The public hearing was opened; there were no public comments; the public hearing was closed.

The motion was approved unanimously by voice vote.

10. Discuss and Possibly Adopt a Commission Position Against Release of Waters from the San Luis Drain into the Delta. The Commission will consider and possibly adopt a position which may include: supporting steps to legislatively ban release of wastewaters from the Drain into the Delta, to support legal actions to support the United States District

Attorney, to communicate concerns about the possible impacts of the San Luis Drain to the member agencies of the Delta Protection Commission for further independent action, and to encourage the member agencies to designate a delegate to attend a future strategy meeting with other Bay Area and Delta agencies to stop possible releases from the Drain into the Delta.

Commissioner Torlakson introduced the topic stating Contra Costa County is gravely concerned that due to a recent court action, the proposal to complete the San Luis Drain and release drain waters from the San Joaquin Valley into the Delta may be revived. He stressed the grave importance of protecting the integrity of the water quality of the Delta waters for ecological and habitat reasons, for human consumption, and for other uses of the waters. He said the Association of Bay Area Governments had recently approved a similar resolution, recommending removal of the Delta from the range of options for resolving the drainage issue.

Acting Chair McGowan opened the floor for public comments.

Alex Hildebrand agreed that water quality is important to the Delta and the State, and nation. He reviewed the problems and how it arose, and stated that a resolution of the problem must be identified. He said the best solution has not yet been determined, but suggested that it is too early to eliminate any options. He suggested postponing any action to allow thorough study and investigation into alternatives.

John Nejedly, representing CCIQW, said the problem has been identified for years and at this point the only identified solution is disposal into the Delta. He said the Commission should adopt the resolution to preclude release of San Luis Drain waters into the Delta. He submitted copies of written material for the record.

Jerry Robinson, RD 544, said the polluted drainage is entering the Delta now and suggested postponing any position until real solutions can be identified and evaluated.

William Chism, attorney for Westlands Water District, supported Dan Nelson's letter asking for postponement of consideration of a resolution until a presentation has been made. He said that all possible solutions should be reviewed. He said Judge Wanger's ruling is limited and doesn't mandate releases into the Delta. He said the issue should be considered after the legal issues are addressed, when the matter is before the State Water Board.

Dennis Pisila, Contra Costa Water District, said the Water District is opposed to the San Luis Drain, and has joined limitation as an intervener. He said there are other solutions that will not degrade the Delta's water quality. Commissioner Calone asked the location of the District's intake; Mr. Pisila said Mallard Slough is near Pittsburg.

Roberta Goulart, Contra Costa Water Agency, outlined concerns that have been raised included selenium, higher costs of drinking water; impacts to oxygen; increased costs of sewage treatment, etc.

Mark Carter, Bethel Island MID, said he expected the Commission to live up to its name and do right by the Delta.

Acting Chair McGowan brought the matter to the Commission for discussion and possible action.

Commissioner Mello said he wanted more information.

Commissioner Potter agreed.

Commissioner Yates said he is a member of the San Joaquin Valley Management Committee and that this a very complex issue which must be addressed because it impacts all of us and the food that we eat which is grown in the valley. He said his job at the Department of Food and Agriculture is to support a sustainable environment. He suggested more information is needed before a decision could be reached.

Commissioner Torlakson suggested the Commission adopt only a preliminary position consistent with the Delta Protection Act and the adopted Plan. He said the Commission had taken a brave stand to protect the Delta from wastes from cities; this is a similar move to protect the Delta from wastes from agricultural uses. He made a motion to create a Subcommittee to track and follow the issues, and to assist in the development of permanent solutions.

Commissioner Salmon said the South Delta is being adversely impacted by salts in the water; those lands must be protected.

Commissioner Yates stated he was addressing statewide issues; not just one region or another.

Commissioner Broddrick said he had witnessed the loss of habitat from lowered water quality in the Los Banos area. He said the Kesterson issue is not new, but is very complex and needs a balanced solution. He suggested commenting at the time the options are set and are discussed by the State Water Board.

Commissioner Nottoli said he is not ready, but agrees the Delta should not be a dumping ground.

Commissioner Hill said if the Commission does not take a position against disposal into the Delta, the Commission may be perceived as accepting that alternative. He suggested the Commission at least say it doesn't want the Delta disposal option to be the only solution under consideration.

Commissioner Mello said he would not support release into the Delta as the only solution; a resolution may help deflect that situation.

Commissioner Potter said the resolution is no "ripe". He suggested that by the next meeting a Subcommittee of Torlakson and Yates review options for the Commission to consider which outlines the Commission's concerns and willingness to assist in development of a solution.

Acting Chair McGowan said the Commission made a policy decision that biosolids should not be dumped in the Delta; and agreed that a similar position should be considered for the drain. Its important that the Commission put the Delta first. He supported some action.

Commissioner Torlakson moved creation of a subcommittee to look at the issues, review public comments, and return to the Commission with more information and a new resolution in 30 to 60 days.

The motion was seconded by Commissioner Simas.

Commissioners Broddrick and Salmon volunteered to sit on the Subcommittee.

Commissioner Calone asked if the South Delta is currently adversely affected by Valley agricultural drainage now; Commissioner Salmon said yes.

The motion was approved unanimously by voice vote.

10. Commissioner Comments

Commissioner Mello said he would like to serve on the Levee Subcommittee.

Commissioner Calone said the DU/DPC grants program should be restricted to the Primary Zone, not the Legal Delta and that the Primary Zone projects should have highest priority. Ms Aramburu said those changes could be incorporated into the second year of the program; the Commission will have the ability to select the projects.

Commissioner Curry reported that the Department of Boating and Waterways is undertaking a levee erosion study and would like to make periodic progress reports.

Commissioner Torlakson said he would like to step down from the Budget Subcommittee.

Commissioner Simas said he would like to serve on the Budget Subcommittee.

Commissioner Broddrick said he had brought copies of the Department of Fish and Game's Strategic Plan.

Commissioner Calone asked when the Plan would be reproduced; Ms Aramburu said within three weeks.

11. Adjourn

The meeting was adjourned at 8:30 p.m.

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